

SCANNED

DATE: 08/05/04 UNITED STATES DISTRICT COURT
BY: SKY DISTRICT OF MASSACHUSETTS

PLAINTIFFS

Harry G. Schortmann, Jr. & PRO SE
Jacqueline Schortmann PRO SE

V.

Civil No. 04-11011-MLW

DEFENDANT

The Internal Revenue Service
of the United States Government

REQUEST THAT THE REQUEST OF THE DEFENDANT'S COUNSEL TO
EXTEND THE ANSWER DEADLINE BE DENIED.

Failure of the counsel for the defendant to exercise due diligence is not a valid reason for the defendant to be granted an extension.

The counsel for the defendant states in its request,

In addition, counsel for the United States is working with the plaintiffs in an effort to determine precisely what relief is sought from this court, and the basis for that relief.

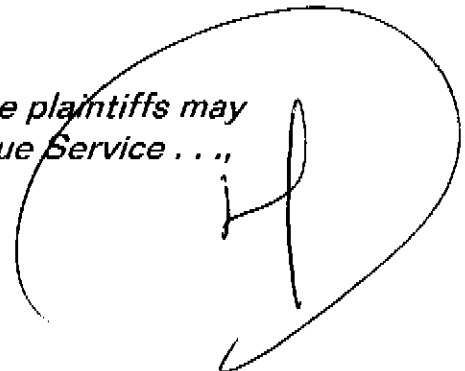
The counsel for the defendant has made two requests for information from the plaintiffs. These requests were honored in a timely manner. The material requested could have been obtained directly from the Internal Revenue Service.

The plaintiffs are not aware that they are *working* with the counsel for the defendant.

The defense counsel's statement,

It appears from the face of the complaint that the plaintiffs may be seeking interest only from the Internal Revenue Service . . .

is not valid.



In summary, the plaintiffs complaint seeks the following judgements:

- A. Interest due.
- B. Penalty for non-payment according to Internal Revenue Service's code.
- C. Jury determined punitive damages.
- D. Compensation for legal services.

Clearly the plaintiffs are seeking more than interest and defense counsel's request should not be granted on this ground.

A copy of this document was mailed to:

LYDIA D. BOTTOME
Trail Attorney, Tax Division
U. S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D. C. 2004

Respectfully submitted,

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